

Lewis.
Neal.

Stone.
Wayland.

Excused.

Boren.

Yantis.

COMMITTEE REPORT.

Committee Room,
Austin, Texas, April 13, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Claims and Accounts, to whom was referred

House bill No. 464, a bill to be entitled "An act to permit Thomas E., Jesse F., Stella and Drew Finch to sue the State of Texas for the recovery of certain lands situated in Wise county, Texas, and to provide service for same,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LINN of Victoria, Chairman.

On motion of Senator Woods, the Senate adjourned to 10 a. m. to-morrow.

SEVENTY-FIRST DAY.

Senate Chamber,
Austin, Tex., Wednesday, April 14

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Neal.
Burns.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Stone.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.

Absent.

Stafford.

Excused.

Boren.

Yantis.

Prayer by Rev. J. A. French, of Austin:

O God, Thou art the source of all

wisdom and light. Thou hast bidden us, through Thy Son, to ask that we may receive. An inspired Apostle has said, "If any man lacketh wisdom, let him ask of God, who giveth to all men liberally and upbraideth not." We therefore invoke Thy divine guidance on the deliberations of this body; that it may be endued with needed wisdom, prudence and light respecting the great interests committed to its keeping. Save them from undue thought of self and from undue outward influences as they seek the best welfare of our great State. Give Thy grace to the presiding officer and to all who assist him in the administration of the affairs of this body, and may all remember that "Righteousness exalteth a nation, but sin is a reproach to any people." We ask these things through Jesus Christ, our Lord. Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

On motion of Senator Colquitt,

Senator Wayland was excused for absence on Friday and Saturday of last week and Monday and Tuesday of this week.

PETITIONS AND MEMORIALS.

By Senator Wayland:

Petition of members of the bar and citizens of Robertson county, protesting against the passage of the bills redistricting the State into judicial districts.

Read and referred to Committee on Judicial Districts.

By Senator Wayland:

Petition of citizens of Robertson county, urging the passage of the bill authorizing the Houston and Texas Central Railroad Company to purchase and operate the Waco and Northwestern Railroad and the Texas Central Railroad.

Read and referred to Committee on Internal Improvements.

By Senator Yett:

Petition from citizens of Williamson county, asking for a law prohibiting the use of butterine in the institutions of this State.

Read and referred to Committee on Public Health.

By Senator Atlee:

Memorial of citizens of Webb and Encinal counties, protesting against the passage of the bill redistricting the State judicially.

Read and referred to Committee on Judicial Districts.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, April 14, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 256, entitled "An act to amend article 785 of the Revised Civil Statutes of the State of Texas, providing for the organization or reorganization of unorganized or disorganized counties,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,
Austin, Texas, April 13, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 356, entitled "An act to amend article 244 of chapter 2, title IV, of the Code of Criminal Procedure of the State of Texas,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,
Austin, Texas, April 13, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 312, entitled "An act to amend article 397, chapter 2, title 18, of the Revised Civil Statutes of the State of Texas, relating to cities and towns, and the election of officers,"

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,
Austin, Texas, April 14, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Towns and City Corporations, to whom was referred

Senate bill No. 358, a bill to be entitled "An act to validate the incorporation of cities and towns of 1000 inhabitants or over which have heretofore been incorporated without authority of law, and which were afterwards validated by special act of the Legislature, and which have attempted subsequently to accept the provisions of articles 340, 344, 346, 352 and 357, chapter 103, title 17, of the Revised Civil Statutes

of 1879 of the State of Texas, as amended by an act approved April 6, 1881, by the Seventeenth Legislature of the State of Texas in lieu of their former charters of incorporation, but which have failed to comply with the said provisions of said articles as amended by the acts of 1881,"

Have had the same under consideration, and I am intructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, April 13, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 234, entitled "An act to amend articles 4786 and 4788 of title 97, chapter 7, of the Revised Civil Statutes of the State of Texas, relating to elections for road taxes,"

And find the same correctly engrossed.

DIBRELL, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Colquitt:

Whereas, there are a number of members of the Legislatures of the State of Kansas and the Territory of Oklahoma visiting the capital of Texas for the purpose of appearing before the Interstate Railway Commission, which is to meet here on April 16 for the purpose of considering matters of importance to Texas, Oklahoma and Kansas; therefore be it

Resolved, that these visiting members of the Legislatures named be invited to seats on the floor of the Senate of Texas.

Unanimously adopted.

Call concluded.

EXECUTIVE MESSAGE.

The following message from the Governor was received and read:

Executive Office,
April 14, 1897.

To the Senate: Senate bill No. 285, entitled an act making appropriation for the establishment of a public park on the site of the battlefield of San Jacinto and the erection of necessary buildings and improvements therein, and providing for the condemnation of a sufficient amount of land upon which to establish said park, is herewith returned without approval. The bill provides that it is necessary for the pub-

lie use that the State should own 250 acres of land on the site of the battlefield of San Jacinto, in addition to what is already owned, for a public park; that the sum of \$25,000 or so much thereof as may be necessary is appropriated for the purchase by the State of not more than 250 acres of land on said battlefield for a public park and for the erection of such suitable buildings, monuments and improvements as may be deemed appropriate by three commissioners to be appointed by the Governor; and that it shall be the duty of said commissioners to purchase the land for said park, for which they are clothed with plenary powers, to select the same, and carry through the terms of sale, and to construct such buildings, improvements and monuments thereon as they may consider appropriate to its purpose as a public park commemorative of the battle of San Jacinto. The commissioners are authorized to pay for the land whatever they may consider the fair and reasonable market value thereof, not exceeding \$25 per acre, but should they, for any reason, be unable to agree with the owners of the land as to the price to be paid for it, they are required to take steps to condemn it in the name of the State by like proceedings as are now prescribed for railway companies in the acquisition of right of way. After the appointment of the commissioners by the Governor and their acceptance of the appointment, the State Treasurer is directed to pay over to them on their demand the money appropriated by the act or so much as they may demand.

In the purchase of the land, the commissioners are limited by the act to \$25 per acre, or an aggregate sum of \$6250. If the land should be acquired on those terms, the remainder of the appropriation, amounting to \$18,750, can be expended by them as they may see fit, and without oath or bond, and without report or accountability to any authority. They may put the entire amount in a monument or building, leaving the enclosure, drainage and adornment of the grounds to future Legislatures. On the contrary, if the commissioners should fail to agree with the owners of the land upon the price, the act does not, and in the very nature of the case may not, fix a limit to the value which the jury may put upon the land, and the act is so framed that the commissioners may be forced to pay the award, notwithstanding it may absorb the entire appropriation.

That or an amount approaching it would be an extravagant if not an unconscionable price judged by the limit fixed in the bill to govern the commissioners in private negotiations. If it should be said that the State should not measure patriotism with money, the answer is that none should be permitted to traffic in her hallowed and sacred places.

Even in the midst of revolutionary sentiment, existing conditions force us to a careful husbandry of our resources. Wherever it is practicable, expenses must be diminished and new fields of expenditure avoided. The financial situation in the State must be candidly and squarely met. Not only should expenditures which are carried only in appropriation bills such as this be limited, but immediate action is necessary in independent legislation. If every dollar of taxes estimated by the Comptroller shall be collected, but no additional revenue is provided and no radical reduction of expenses is made, as pointed out in the general message, expenditures will exceed receipts by at least \$250,000. Under such conditions, and yielding to none in admiration of the heroes of the Revolution and appreciation of their services to mankind, it seems to me we should not do more at this time than acquire the battle ground at a price not greater than that fixed in the bill for the purchase, which may be done at this session by a separate bill or an amendment to the general appropriation bill. Justice to the taxpayers, needy and impoverished as thousands of them are, will not permit us at this time to erect monuments and beautify parks. The spirit which would thus commemorate the valor of the soldiers of San Jacinto is ennobling and inspiring, but it will lose much of its elevation and grandeur if indulged to the inconvenience and hardship of the people. It is something, also, to know that the fame and achievements of these heroes are far more enduring than any heap of stone or granite or marble you may pile on the field where they wrought our independence.

C. A. CULBERSON.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, April 14, 1897.

Hon. George T. Jester, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed

Senate concurrent resolution No. 20, relating to deep water, good harbors and an open sea.

House joint resolution No. 20, a joint resolution to amend article XI, of the Constitution of the State of Texas, by adding thereto section 11, relating to validating county court house and jail bonds, and bonds for the construction of bridges,

House concurrent resolution No. 13, empowering the Superintendent of Public Buildings and Grounds to lease the temporary capitol.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

The Chair laid before the Senate,

House bill No. 517, a bill to be entitled "An act to make it a felony for any president, director, manager, cashier or other officer of any bank, banking institution, or the owner, agent or manager of any private bank or banking institution, or the president, vice-president, secretary, treasurer, director or agent of any trust company or institution doing business in the State of Texas, to receive or assent to the reception of any deposit of money or other valuable thing in such bank, banking institution or trust company or institution, or for any such officer, owner or agent of such bank, banking institution, or president, vice-president, secretary, treasurer or director or agent of such trust company or institution to create or assent to the creation of any debt, debts or indebtedness in consideration or by reason of which indebtedness any money or valuable property shall be received into such bank or banking institution or trust company or institution after he shall have had knowledge of the fact that such bank, banking institution or trust company or institution or the owner or owners of any such private bank or institution is insolvent or in failing circumstances, and to provide an appropriate penalty therefor,"

On third reading.

Bill read third time and passed.

Senator Stafford moved to reconsider the vote by which the bill passed, and to lay that motion on the table.

Tabled.

The Chair gave notice of signing, and did sign in the presence of the Senate, after the caption had been read.

House bill No. 107, a bill to be entitled "An act to define and prevent cold storage in a local option county, precinct, city, town or subdivision of

a county, and to affix a penalty for running, keeping or maintaining them in such county, city, town or subdivision,"

The Chair laid before the Senate, on second reading,

House bill No. 40, a bill to be entitled "An act to repeal article 1277 and to amend article 1278 of the Revised Statutes of Texas, relating to continuances."

Bill read second time.

By Senator Tillett:

Amend by adding after line 31 the following, "and if the party adverse to the one applying for a continuance on the ground of absent testimony shall admit that the absent witness would testify to the facts stated in said application for a continuance, the absence of said witness shall be no ground for such continuance, but such admission shall be admitted in evidence if so desired."

Lost.

By Senator Dibrell:

Amend by striking out in lines 27 and 28 of article 1278, the following, "that such testimony can not be procured from any other source."

By Senator Linn of Wharton:

Substitute for the amendment: Amend by adding after line 31, page 1, the following: "Provided, that on a first application for continuance it shall not be necessary to show that the absent testimony can not be procured from any other source."

Senator Dibrell accepted the substitute, and the same was adopted.

Bill passed to third reading.

The Chair laid before the Senate, on second reading,

House bill No. 49, a bill to be entitled "An act to transfer to the general revenue account the unexpended balance of the United States direct tax fund remaining in the State treasury on the 2nd day of March, A. D. 1897, the same to be used in the payment of the current expenses of the State government,"

Bill read second time.

Senator Bailey moved that further consideration of the bill be postponed, and that it be made special order for Wednesday, April 21, after call.

Lost.

By Senator Linn of Wharton:

Amend section 1 by adding thereto the following: "Provided, that the Comptroller be required to issue his warrant against the direct tax fund for all valid claims for penalty, interest and costs heretofore filed or that

may have been filed, and approved by him on or before March 2, 1897."

Lost by the following vote:

Yeas—10.

Bailey.	Linn of Victoria.
Goss.	Linn of Wharton.
Gough.	Rogers.
Harrison.	Stone.
Lewis.	Terrell.

Nays—13.

Beall.	Neal.
Bowser.	Presler.
Colquitt.	Ross.
Darwin.	Stafford.
Dibrell.	Tillett.
Kerr.	Woods.
Morriss.	

Absent.

Atlee.	Turney.
Burns.	Wayland.
Greer.	Yett.

Excused.

Boren.	Yantis.
--------	---------

Bill passed to a third reading by the following vote:

Yeas—20.

Atlee.	Neal.
Beall.	Presler.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Stafford.
Goss.	Stone.
Gough.	Terrell.
Kerr.	Tillett.
Lewis.	Wayland.
Morriss.	Woods.

Nays—4.

Bailey.	Linn of Victoria.
Harrison.	Linn of Wharton.

Absent.

Bowser.	Turney.
Burns.	Yett.
Greer.	

Excused.

Boren.	Yantis.
--------	---------

Senator Ross called up his motion to reconsider the vote by which

House bill No. 337, a bill to be entitled "An act to amend article 207, chapter 1, title 8, of the Penal Code, changing the penalty in perjury cases except as provided for in article 208 of the Penal Code, from not more than ten years nor less than five years in the penitentiary to not more than ten years nor less than two years in the penitentiary," was passed.

Reconsidered.

By Senator Ross:

Amend by adding to the caption, after the word "code," the following, "re-

lating to the crime of perjury and fixing a penalty therefor."

Adopted by a two-thirds vote.

Bill as amended passed.

On motion of Senator Wayland, the regular order of business was suspended to take up, on its second reading,

House bill No. 205, a bill to be entitled "An act to provide for the payment of tax assessors for taking agricultural statistics for the year 1895."

Bill read second time.

On motion of Senator Colquitt, further consideration of the bill was indefinitely postponed.

(Senator Bailey in the chair.)

The Chair laid before the Senate, on second reading,

House bill No. 77, "An act to amend article 2396 of the Revised Civil Statutes of Texas of 1895, by adding thereto the proviso that the proceeds of the voluntary sale of the homestead of a family shall not be subjected to garnishment or forced sale within twelve months after such sale."

Bill read second time, with committee amendments.

Committee amendments adopted.

Bill passed to a third reading.

(Lieutenant Governor Jester in the chair.)

The Chair laid before the Senate, on second reading,

House bill No. 518, a bill to be entitled "An act to amend articles 5243i, 5243j and 5243k, of chapter 9, title 104, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this act, and to define and prescribe the notice to be given to said corporations previous to such forfeiture."

Bill read second time, with committee amendments.

Committee amendments adopted.

Further consideration of the bill was postponed until this afternoon.

On motion of Senator Bailey, the regular order of business was suspended, to take up, on its third reading,

Senate bill No. 264, a bill to be entitled "An act to amend article 944 of chapter 17, Revised Statutes, Penal Code, relating to swindling, by substituting for section 4 a section so as to include within the term 'swindling' the obtaining of personal property by

means of false statement or representation as to financial worth, assets or resources, and adding section 5, providing that offenses not specially enumerated under this article shall nevertheless be an offense if within the reasonable and fair definition of the term 'swindling.'"

Bill read third time.

By Senator Beall:

Amend by adding

"Sec. 6. The execution of any deed of trust, chattel mortgage, deed of assignment, bill of sale, or other transfer, in writing or otherwise, by any insolvent debtor, or by any debtor in contemplation of insolvency, of any property or thing of value, to secure or satisfy any pretended indebtedness or obligation when the same is fictitious or fraudulent, in whole or in part."

Adopted.

By Senator Beall:

Amend caption by adding after line 9 the following, "and the execution by any insolvent debtor, or by any debtor in contemplation of insolvency, of any deed of trust, chattel mortgage, deed of assignment, bill of sale, or other transfer, in writing or otherwise, of any property or thing of value, to secure or satisfy any pretended indebtedness or obligation when the said indebtedness or obligation is fictitious or fraudulent, in whole or in part."

Adopted.

By Senator Bailey:

Amend line 1, page 2, by striking out "5" and insert "7."

Adopted.

The bill was passed.

By Senator Rogers:

Whereas, certain Senate pages have, in violation of law, and of good order and decorum, been guilty of carrying and keeping in their possession deadly weapons, to-wit, pistols of 38 and 32 caliber; now therefore be it

Resolved, that the said pages be discharged from the service and employment of the Senate.

Pending action.

On motion of Senator Wayland,

Senate bill No. 347, a bill to be entitled "An act to render more efficient and more effective the present road law of the State of Texas in its application and operation in the counties of Galveston, Harris, Brazoria and Wharton, and to authorize and empower said counties to issue bonds for the construction and maintenance of public roads and highways within the said respective counties,"

Was recommitted to the Committee on Roads, Bridges and Ferries.

On motion of Senator Dibrell, the Senate adjourned to 3 p. m. to-day.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Beall.	Morriss.
Boren.	Rogers.
Bowser.	Ross.
Burns.	Stone.
Colquitt.	Terrell.
Darwin.	Tillett.
Goss.	Turney.
Harrison.	Wayland.
Kerr.	Woods.
Lewis.	Yett.

Absent.

Bailey.	Linn of Wharton.
Dibrell.	Neal.
Gough.	Presler.
Greer.	Stafford.

Excused.

Yantis.

The Chair laid before the Senate, House concurrent resolution No. 13, authorizing the Superintendent of Public Buildings and Grounds to lease the temporary capitol.

Resolution read.

By Senator Linn of Victoria:

Amend by striking out "ten years" and insert "five years."

Adopted.

Resolution as amended adopted.

IN SENATE.

House joint resolution No. 20, a resolution to amend article 11 of the Constitution of the State by adding thereto section 11.

Read first time and referred to Committee on Constitutional Amendments.

The Chair laid before the Senate,

House bill No. 518, entitled "An act to amend articles 5243i, 5243j and 5243k, of chapter 9, title 104, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for

failure to pay the franchise tax levied by this act, and to define and prescribe the notice to be given to said corporations previous to such forfeiture,"

Action being on passage to a third reading:

By Senator Bowser:

Amend line 4, page 2, by inserting after the word "corporation" the following: "having an authorized capital stock of one hundred thousand dollars or less."

Adopted.

By Senator Bowser:

Amend line 13, page 2, by adding after the word "thereafter" the following: "And any such corporation having an authorized capital stock of more than one hundred thousand dollars, shall in addition to the franchise tax of fifty dollars, as above provided, also pay a franchise tax of one dollar for every ten thousand dollars of their capital stock over and above one hundred thousand dollars."

Adopted.

By Senator Lewis:

Amend page 2, line 3, by adding after the word "thereafter," "Provided that every domestic corporation heretofore or hereafter chartered under the laws of this State having a capital stock of over \$25,000 and less than \$100,000 shall pay an annual franchise tax of \$25; and corporations having a capital stock of \$100,000 or over shall pay an annual franchise tax of \$50."

(Senator Beall in the chair.)

By Senator Gough:

Substitute amendment on page 2, line 3, by adding after the word "thereafter," "Provided, that every domestic corporation heretofore or hereafter chartered under the laws of this State having a paid up capital stock of over \$25,000 and less than \$100,000 shall pay an annual franchise tax of \$10; and corporations having a paid up capital stock of \$100,000 or over shall pay an annual franchise tax of \$25."

Adopted by the following vote:

Yeas—13.

Bailey.	Kerr.
Beall.	Linn of Wharton.
Bowser.	Ross.
Burns.	Terrell.
Darwin.	Wayland.
Gough.	Woods.
Harrison.	

Nays 11.

Atlee.	Morriss.
Boren.	Rogers.

Colquitt.
Dibrell.
Goss.
Lewis.

Stone.
Tillett.
Turney.

Absent.

Greer.	Presler.
Linn of Victoria.	Stafford.
Neal.	Yett.

Excused.

Yantis.

The amendment, as substituted, was then lost by the following vote:

Yeas—12.

Beall.	Lewis.
Burns.	Linn of Wharton.
Colquitt.	Rogers.
Darwin.	Ross.
Dibrell.	Tillett.
Harrison.	Turney.

Nays—12.

Atlee.	Kerr.
Bailey.	Morriss.
Boren.	Stone.
Bowser.	Terrell.
Goss.	Wayland.
Gough.	Woods.

Absent.

Greer.	Presler.
Linn of Victoria.	Stafford.
Neal.	Yett.

Excused.

Yantis.

By Senator Atlee:

Amend on page 2: Strike out in line 19, after word "sue," down to and including word "revived," in line 27, and insert the following: "Provided, in any suit against such corporation on a cause of action arising before such forfeiture, no affirmative relief may be granted to such defendant corporation, unless its charter is revived as provided in article 5243j."

Adopted.

By Senator Burns:

Amend line 15, page 2, by striking out the word "charter," and inserting after "its," the following, "right to do business in this State."

Adopted.

By Senator Lewis:

Amend page 2, line 3, by adding after the word "thereafter" the following: "Provided, that any such corporation having a capital stock of over \$50,000 and less than \$100,000 shall pay the annual franchise tax of \$20, and having a capital stock of over \$100,000 and less than \$200,000 shall pay an annual franchise tax of \$30, and having a capital stock of over \$200,000 shall pay an annual franchise tax of \$50."

Senator Gough raised the point of order that the amendment was out of order for the reason that an amendment of similar import had previously been defeated.

Not sustained.

By Senator Burns:

Amend the amendment by inserting before the words "capital stock," wherever they occur in pending amendment, the words "paid up."

Adopted.

(Lieutenant Governor Jester in the chair.)

The amendment (Lewis') as amended was then adopted by the following vote:

Yeas—12.

Beall.	Linn of Wharton.
Burns.	Morriss.
Colquitt.	Ross.
Dibrell.	Tillett.
Lewis.	Wayland.
Linn of Victoria.	Woods.

Nays—11.

Atlee.	Kerr.
Bailey.	Presler.
Boren.	Stone.
Bowser.	Terrell.
Darwin.	Yett.
Harrison.	

Yeas.	Paired.	Nays.
Turney.	Gough.	

Absent.

Goss.	Rogers.
Greer.	Stafford.
Neal.	

Excused.

Yantis.

By Senator Beall:

Amend by striking out in line 6, on page 2, the words "of \$50" and insert in lieu thereof the following: "As follows: Each and every foreign corporation having a paid up capital stock of \$25,000 or less, an annual franchise tax of \$25; each and every foreign corporation having a paid up capital stock of more than \$25,000 and not exceeding \$100,000, an annual franchise tax of \$100."

Adopted.

By Senator Atlee:

On page 2, insert in line 13, after the word "thereafter" the following: "Provided, the franchise tax required under the provisions of this act shall not be demanded of any domestic corporation doing business in this State, which is required by law to pay an occupation tax."

Pending action,

On motion of Senator Burns, further

consideration of the bill was postponed until to-morrow.

Senator Goss entered a motion to reconsider the vote by which

House bill No. 205, a bill to be entitled "An act to provide for the payment of tax assessors for taking agricultural statistics for the year 1895,"

Was indefinitely postponed.

Senator Atlee entered a motion to reconsider the vote by which

House bill No. 49, a bill to be entitled "An act to transfer to the general revenue account the unexpended balance of the United States direct tax fund remaining in the State treasury on the second day of March, 1897, the same to be used in payment of the current expenses of the State government,"

Was passed to a third reading.

Senator Presler entered a motion to reconsider the vote by which the amendment offered by Senator Linn of Wharton to House bill No. 49 (see morning session) was lost.

The Chair gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read,

House bill No. 517, "An act to make it a felony for any president, director, manager, cashier or other officer of any bank, banking institution, or the owner, agent or manager of any private bank or banking institution, or the president, vice-president, secretary, treasurer, director or agent of any trust company or institution, doing business in the State of Texas, to receive or assent to the reception of any deposit of money or other valuable thing in such bank, banking institution or trust company or institution, or for any such officer, owner or agent of such bank, banking institution, or the president, vice-president, secretary, treasurer, or director or agent of such trust company or institution, to create or assent to the creation of any debt, debts or indebtedness, in consideration or by reason of which indebtedness any money or valuable property shall be received into such bank or banking institution, or trust company or institution, after he shall have had knowledge of the fact that such bank, banking institution, or trust company or institution, or the owner or owners of any such private bank or institution is insolvent or in failing circumstances, and to provide an appropriate penalty therefor."

Senate concurrent resolution No. 20, relating to deep water, good harbors and an open sea.

Senate bill No. 42, a bill to be entitled "An act to amend chapter 3, title 40, of the Revised Civil Statutes of the State of Texas, by adding thereto article 2293a, relating to the deposition of parties,"

Senate bill No. 240, being a bill entitled "An act to amend an act to provide for the collection of taxes heretofore and that may hereafter be levied, making such taxes a lien on the lands taxed, establishing and continuing such lien; providing for the sale and conveyance of lands delinquent for taxes since January 1, 1885, which may have been returned delinquent, or reported sold to the State, or to any county, city or town for the taxes due thereon and not redeemed, or which may hereafter be returned delinquent or reported sold to the State or to any county, city or town to satisfy the lien thereon, as enacted by the regular session of the Twenty-fourth Legislature, being chapter 5a, of title CIV, of the Revised Civil Statutes of 1895, relating to delinquent taxes, and to repeal all laws in conflict with this act."

The Chair laid before the Senate the resolution introduced in the morning session by Senator Rogers, relating to the punishment of certain Senate pages for misconduct.

Senator Bowser moved to refer the resolution to the Committee on Military Affairs.

Lost.

By Senator Bailey:

Substitute: That the President of the Senate be requested to reprimand the pages for having firearms in their possession.

Pending action,

The following committee reports were made:

Committee Room,

Austin, Texas, April 14, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 363, a bill to be entitled "An act to authorize the Texas Central Railroad Company to purchase own and operate the railroad extending from the town of Bremond, in Robertson county, to the town of Ross, in McLennan county, commonly known as the Waco and Northwestern division of the Houston and Texas Central Railway Company, with its appurtenances, or any part thereof, and to authorize a corresponding increase in the authorized aggregate of

the bonds and stocks of said Texas Central Railway Company,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be referred to your Committee on Internal Improvements.

LEWIS, Chairman.

Committee Room,

Austin, Texas, April 14, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 321, a bill to be entitled "An act to exempt infirm and aged ex-soldiers from the payment of occupation tax as peddlers."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

Committee Room,

Austin, Texas, April 14, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 589, a bill to be entitled "An act to amend article 2313, chapter 4, title 140, of the Revised Civil Statutes, 1895, relating to the introduction of certain abstracts of titles as evidence."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

Committee Room,

Austin, Texas, April 14, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 359, a bill to be entitled "An act to amend subdivisions 1 and 2, chapter 2, title 15, article 1093, of the Code of Criminal Procedure of the State of Texas, relating to attached witnesses, and providing fees for same."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

Committee Room,

Austin, Texas, April 13, 1897.

Hon. George T. Jester, President of the Senate:

Your Committee on Enrolled Bills

have carefully examined and compared

Senate bill No. 240, a bill to be entitled "An act to amend an act entitled an act to provide for the collection of taxes heretofore and that may hereafter be levied, making such taxes a lien on the lands taxed, establishing and continuing such lien, providing for the sale and conveyance of lands delinquent for taxes since January 1, 1885, which may have been returned delinquent or reported sold to the State or to any county, city or town to satisfy the lien thereon; as enacted by the regular session of the Twenty-fourth Legislature, being chapter 5a, of title CIV, of the Revised Civil Statutes of 1895, relating to delinquent taxes, and to repeal all laws in conflict with this act,"

And find the same correctly enrolled, and have this day at 5:15 p. m. presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, April 14, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate concurrent resolution No. 20, relating to deep water, good harbors, and an open sea, etc.

And find the same correctly enrolled, and have this day at 5:15 p. m. presented the same to the Governor for his approval.

ROGERS, Chairman.

Committee Room,

Austin, Texas, April 14, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 42, a bill to be entitled "An act to amend chapter 3, title 40, of the Revised Civil Statutes of the State of Texas, by adding thereto article 2293a, relating to the deposition of parties."

And find the same correctly enrolled, and have this day at 5:15 p. m. presented the same to the Governor for his approval.

ROGERS, Chairman.

On motion of Senator Colquitt, the Senate adjourned to 10 a. m. to-morrow.

SEVENTY-SECOND DAY.

Senate Chamber,

Austin, Tex., Thursday, April 15.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Bailey.	Neal.
Beall.	Presler.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Stafford.
Darwin.	Stone.
Goss.	Terrell.
Gough.	Timett.
Harrison.	Turney.
Kerr.	Wayland.
Lewis.	Woods.
Linn of Victoria.	Yett.

Absent.

Dibrell.	Linn of Wharton.
Greer.	

Excused.

Boren.	Yantis.
--------	---------

Prayer by the Chaplain, Rev. F. S. Jackson, as follows:

Almighty God: We acknowledge Thy loving providence in the preservation of our unprofitable lives to see this auspicious hour. We thank Thee for the innumerable blessings Thou hast lavished upon us. Help us to dedicate ourselves to Thee with all our ransomed powers, that our life service, both public and private, may honor Thy name and bless humanity. Grant to this Senate, to-day, righteous judgment and firm decision, and may their deliberations and actions be without mistakes. Forgive our sins, regenerate our souls and direct our footsteps, we ask for Christ's sake. Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Harrison:

Petition from school board of Temple, Texas, asking support for substitute House bill Nos. 247, 350 and 354, granting the defrayance of incidental school expenses out of school fund.

Read and referred to the Committee on Education.